

REMARKS/ARGUMENTS

Preliminarily, Applicants thank the Examiner for indicating the allowability of claims 35-42. Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claim 24 has been amended. Support for the amendment may be found throughout the specification. No new matter has been added. Upon entry of the above amendments claims 24, 26-27, 30-33 and 35-42 will be pending and claims 1, 2, 4-7, 9, 10, 14-18, 25, 28, 29, and 34 will stand withdrawn.

Claims 24, 26, 27 and 30-33 stand rejected under 35 U.S.C. §102(b) as anticipated by Schauble et al (J. Org. Chem., Vol. 39, No. 6, 1974 pages 755-760). The amendment to claim 24 is believed to address this rejection. Specifically, unlike the amended claims, Schauble, in relevant part, requires the combination of NO₂ and methoxy as substituents on the phenyl rings. Accordingly, the Applicants respectfully request the withdrawal of this rejection. Furthermore, Applicants submit that withdrawn claims 25, 28 and 29 are fully embraced by and depend from claim 24, and therefore, Applicants respectfully request that the Examiner rejoin these claims and indicate their allowance.

Applicants thank the Examiner for identifying the error in the previously filed terminal disclaimer. As discussed telephonically with the examiner, the correct patent number for the terminal disclaimer is 6,624,197 as opposed to 6,626,197 as indicated in the Office Action. A corrected terminal disclaimer is provided herewith. The previous terminal disclaimer, filed on November 22, 2006, is hereby withdrawn, all statements made therein are specifically and completely disclaimed, and the November 22, 2006 terminal disclaimer is not relied upon with respect to the ongoing prosecution of this application.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

JONES DAY LLP

By: 

John E. Mauk
Registration No. 54,579
Direct No. (202) 879-3628

Paul L. Sharer
Registration No. 36,004
Direct No. (202) 879-5481

Intellectual Property Group
51 Louisiana Avenue, NW
Washington, D.C. 20001-2113
(202) 879-3939 Telephone
(202) 626-1700 Facsimile

Date: June 18, 2007